

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

QUINTON DRUMMER, *et al.*,

Plaintiff(s),

v.

ALPHA TEAM CONSTRUCTION
CORPORATION, *et al.*,

Defendant(s).

Case No.: 2:18-cv-01251-RFB-NJK

Order

(Docket No. 18)

Pending before the Court is the parties' discovery plan, which includes a *de facto* stay of discovery in light of the pending motion to dismiss and Plaintiff's motion for conditional certification, which will be filed no later than November 9, 2018. Docket No. 18.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The pending discovery plan fails to address these standards. Accordingly, it is hereby **DENIED**.

...

1 The parties must file, no later than November 2, 2018, either a request to stay discovery
2 addressing the relevant standards or an amended discovery plan that omits any stay of discovery.

3 IT IS SO ORDERED.

4 Dated: October 26, 2018

5
6 
Nancy J. Koppe
United States Magistrate Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28